STATE OF NEW YORK

3402

2021-2022 Regular Sessions

IN ASSEMBLY

January 26, 2021

Introduced by M. of A. EPSTEIN, QUART, SIMON -- read once and referred to the Committee on Correction

AN ACT to amend the correction law, in relation to providing voice communication service to incarcerated people in state correctional facilities at no cost

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 623 of the correction law, as added by chapter 240 of the laws of 2007, is amended to read as follows:

§ 623. [~~Inmate telephone~~] **Voice communication** services **for incarcerated people in the state correctional facilities**.

1. [~~Telephone~~] **Voice communication** services contracts for [~~inmates~~] **incarcerated people** in state correctional facilities shall be subject to the procurement provisions as set forth in article eleven of the state finance law [~~provided, however, that when determining the best value of such telephone service, the lowest possible cost to the telephone user shall be emphasized~~].

2. [~~The department shall make available either a "prepaid" or "collect call" system, or a combination thereof, for telephone service. Under the "prepaid" system, funds may be deposited into an account in order to pay for station-to-station calls, provided that nothing in this subdivision shall require the department to provide or administer a prepaid system. Under a "collect call" system, call recipients are billed for the cost of an accepted telephone call initiated by an inmate. Under such "collect call" system, the provider of inmate telephone service, as an additional means of payment, must permit the recipient of inmate calls to establish an account with such provider in order to deposit funds to pay for such collect calls in advance~~] **Agencies charged with the operation and management of state correctional facilities and juvenile detention facilities shall provide persons in their custody and confined in a correctional or detention facility with voice communication service**

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD02029-02-1

at a minimum of ninety minutes per day and ensure sufficient infrastructure to meet this baseline. The commissioner may supplement voice communication service with other advanced communication services, including, but not limited to, video communication and electronic mail services. To the extent that the commissioner provides such voice communication service or any other advanced communication service, each such service shall be provided free of charge to the person initiating and the person receiving the communication.

3. [~~The department shall not accept or receive revenue in excess of its reasonable operating cost for establishing and administering such telephone system services as provided in subdivisions one and two of this section~~] No agency shall receive revenue from the provision of voice communication services or any other communication services to any person confined in a state correctional or detention facility.

4. Nothing in this section shall be construed to limit, replace or prevent in-person visitation between persons confined in a state correctional or detention facility and relatives, friends or any other persons approved to visit such person.

5. The department shall establish rules and regulations or departmental procedures to ensure that any [~~inmate phone call system~~] voice communication services for incarcerated people established by this section provides reasonable security measures to preserve the safety and security of each correctional facility, all staff and all persons outside a facility who may receive [~~inmate phone calls~~] communications for incarcerated people.

§ 2. This act shall take effect April 1, 2022 and shall apply to any new or renewal contract for voice communications for incarcerated people or other advanced communication services entered into on or after such date and provided further that any new or renewal contract for voice communications for incarcerated people or other advanced communication services entered into prior to April 1, 2022 shall not run past March 31, 2022.